

### **Remarks**

Claims 1-12 and 14-19 are pending in the application. Claims 8-12 and 14-19 were allowed, claims 1-2, and 5-7 were rejected, and claims 3-4 were objected to. By this Amendment, claims 1 and 8 have been amended. Reconsideration of the claims is respectfully requested. No new matter has been added.

### **Oath/Declaration**

The oath/declaration was objected to by the Examiner as being illegible. A new declaration is enclosed with this Amendment and is believed to cure the objection.

### **Rejection Under 35 U.S.C. § 102**

Claims 1 and 2 were rejected under § 102(b) as being anticipated by United States Patent No. 276,821 to Hull (hereinafter Hull '821), which issued on May 1, 1883. Claim 1 has been amended to more distinctly claim the present invention. Specifically, claim 1 has been amended to recite a vehicle bed assembly for a motor vehicle in order to distinguish the present invention from the wagon body in Hull '821. Moreover, Applicants respectfully submit that Hull '821 would not properly be applicable to the motor vehicle arts since the automobile had not been invented when Hull '821 issued.

In addition, claim 1 has been amended to more distinctly the present invention by claiming first and second rails that are disposed horizontally. Hull '821 does not disclose horizontally disposed first and second rails for coupling the side panels to the front panel. Instead, Hull '821 recites a wagon body having side boards F attached to a wagon bottom A by metallic standards G (column 1 lines 33-35). A front end board K is attached to the side boards with attachments L' that are secured to the front board and are "adapted to set over the vertical sides of the wagon body" (figure 1 and column 1 line 49 through column 2 line 54, emphasis added). Moreover, element K' is a tail board located "at the tail of the wagon body" (column 2, line 60-72) and is not a front panel as required by the present invention. Because Hull '827 does not recite either horizontally disposed rails for coupling side panels to the front

panel or a vehicle bed assembly for a motor vehicle, Applicants believe that claim 1 as amended is in condition for allowance.

Since claim 2 depends on claim 1, claim 2 is believed to be allowable for the reasons discussed above. Moreover, Applicants respectfully disagree with the Examiner that element R in Hull '821 is an end cap member disposed within the first rail that selectively couples the first side panel to the front panel. Instead, element R is a bolt disposed along the inside of a side panel (figure 1) that passes through a slot S in a metallic segmental plate P. The metallic segmental plate P is not connected to a front panel. Instead, the metallic segmental plate P is connected to a tail board K' and permits the tail board to be dropped at an angle (column 2, lines 62-70). As such, bolt R is not disposed within a rail member nor does it couple a front panel and a side panel as required by claim 2 of the present invention. Consequently, Applicants believe that claim 2 is in condition for allowance.

**Rejection Under 35 U.S.C. § 103(a)**

Claims 5-7 were rejected under § 103(a) as being unpatentable over Hull '821 in view of U.S. Patent No. 3,842,755 to Carr (hereinafter "Carr '755"). Claims 5-7 depend on claim 2. As a result, the rejection of claims 5-7 is believed to be moot due to the amendment to claim 1 and the arguments pertaining to claim 2 discussed above.

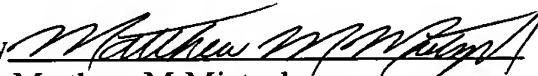
In addition, with regard to claim 7, the Examiner stated with respect to Hull '821 that "each of the first and second side panels are thought to be corrugated." However, there is no teaching of corrugated side panels in Hull '821. Instead, Hull '821 discloses a series of parallel boards (column 1, lines 28-29). Moreover, planar panels with are depicted in all figures in Hull '821. Carr '755 does not cure the deficiencies of Hull '821. Consequently, it is respectfully believed that the Examiner has not established a *prima facie* case of obviousness. Applicants respectfully request that the Examiner distinctly point out the basis for asserting that the first and second side panels are corrugated.

**Conclusion**

Applicants have made a genuine effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

**PETER MISKECH et al.**

By   
Matthew M Mietzel  
Reg. No. 46,929  
Attorney/Agent for Applicant

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**BROOKS & KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075  
Phone: 248-358-4400  
Fax: 248-358-3351